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On April 3, 2019, a discrimination complaint based on race was filed via email by a parent (hereafter known as the parent who filed the complaint) of a [REDACTED] student (hereafter known as Student 1) against Jan Zehren, Physical Education (PE) teacher at Shorewood Intermediate School (SIS). A description of the complaint is provided below.

Description of the Alleged Incidents

To gather more information about the complaint, [REDACTED], met with the parent who filed the complaint on April 4, 2019. The parent was not in the classroom but was reporting what was told to [REDACTED] by Student 1. According to the parent who filed the complaint, on April 1, 2019, during [REDACTED] PE class, Ms. Zehren informed students "in the next 10 days you will work on games or dances from your culture." It is further reported by the parent who filed the complaint that Ms. Zehren, while looking at Student 1 and another [REDACTED] student in the class (Student A), stated, in front of the class, "you might want to look up traditional African dances or games" and "or you can look up games that slave children or I mean enslaved children played." Ms. Zehren then told the students "to be with their own culture in a small group to work." Student 1 and Student A were confused by the directions given by Ms. Zehren. Ms. Zehren was reported to have then approached Student 1 and Student A and informed them that she could provide websites to assist them with their research. According to the parent who filed the complaint, Student 1 and Ms. Zehren had no further interactions during the class. Student 1 came home after school and was described by the parent who filed the complaint as "very upset and embarrassed by the situation because comments were made in front of [REDACTED] classmates.

During a meeting with the investigator and [REDACTED], on May 10, 2019, the parent who filed the complaint reported that Student 1 did not use the search terms recommended by Ms. Zehren at school. [REDACTED] did report, however, that [REDACTED] upon coming home on April 1, 2019, then searched the web using the terms "slave games." When Student 1 referenced "slave games," the parent who filed the complaint came over to the computer and noticed that Student 1 had viewed the website "Ten Toys and Games Enslaved Black Children Played with Growing Up" (hereafter known as the Ten Toys and

Games website). After the parent who filed the complaint saw the first game on the website, called "Hide the Switch," [REDACTED] did not allow Student 1 to view any other pages on the website.

Interview with Student 1

Student 1 was interviewed on April 10, 2019 by [REDACTED] and Dr. Anderson, Interim Director of Special Education and Pupil Services, to gather additional information about the incident that occurred on April 1, 2019. Student 1's parent was also present during the interview. Student 1 stated that the students were asked to get into a group so Ms. Zehren could explain the purpose of the World Games/Dance Unit they were going to study. Student 1 stated that Ms. Zehren encouraged students to work with others who shared a similar culture. Ms. Zehren then stated, to the entire class, that "another [REDACTED] class group" was researching "enslaved games" or "games slaves played during their free time." Student 1 could not recall Ms. Zehren providing examples of other cultures that students could form groups around. Student 1 remembered Ms. Zehren telling [REDACTED] and [REDACTED] group partner, Student A, that she would help them find websites for the project. She then told them to search websites using the terms "traditional African-American games" or "slave games." Student 1 reported that [REDACTED] did not type in these terms or view what websites were listed. Instead, Student 1 decided to do a dance for the unit. Student 1 and Student A then identified the "2 step" dance. Student 1 stated that Ms. Zehren's comments in front of the class made [REDACTED] feel embarrassed and upset.

Summary of the Interviews Conducted with [REDACTED] Students in [REDACTED] PE Class

Student A was interviewed on April 4, 2019 by [REDACTED]. Student A reported that the class was provided with resources to conduct research on a dance or game and, [REDACTED] recalled, that there was mention of being in a group with students of similar skin color as a partner. Student A also recalled Ms. Zehren mentioning that students could also be in a group with a similar history such as Africans or Germans. Student A chose to work in a group that would look at African culture. While working with Student 1, Student A reported that Ms. Zehren approached them and stated that she could help them find websites for the project. According to Student A, Ms. Zehren told them that they could use "slave games" as search terms. While Student A did not use the search terms "slave games," on April 1, 2019, Student A did execute searches using the following words: "the boogie man in slave children games" and "the boogeyman in slave children games."

A review of Ms. Zehren's search history shows a web search conducted by Ms. Zehren earlier in the day on April 1, in which she accessed all five of the pages associated with the Ten Toys and Games website. The word "bogeyman" appears in one of the games listed on the website.

Student A's searches did result in the accessing of the Ten Toys and Games website. The Ten Toys and Games article was published in the Atlanta Black Star on July 29, 2015. When the website is accessed, the first game that is described is called "Hide the Switch."

Student A recalled being told by Ms. Zehren that "you can build that" (referring to the switch) or "you can find something else if you don't want to do that." Student A expressed an interest in doing a dance with Student 1 instead and proceeded to research African dances.

After seeing the picture of the switch on the Ten Games and Toys website, Student A reported that ■ felt weird, and ■ leg began to shake. Student A reported that ■ left the PE class a minute early because ■ didn't want other students to notice this.

Student B was interviewed on April 4, 2019 by ■. Student B reported that Ms. Zehren gave instructions about the World Games/Dance unit and picking a group. Ms. Zehren went on to say that students would learn about a culture and that they needed to find three facts about their game or dance. Student B also reported that when Ms. Zehren was giving instructions about how you would choose a dance or a game for the unit she said to the class "some games were played during slavery." Student B went on to say that this comment received a reaction from some in the class, and Ms. Zehren then told the students to stay focused. Student B did not recall Ms. Zehren providing other cultural examples. Student B also reported that Ms. Zehren stated that some games were played during celebrations and festivals.

Student C was interviewed on April 5, 2019 by ■. Student C reported that everyone was sitting at their spots in the class and received the packet for the World Games/Dance unit, along with a rubric. Ms. Zehren went on to explain what the computers were to be used for. Student C reported that, in front of the class, Ms. Zehren stated, as an example, that another group of students had found a game African-American children had played when they were enslaved. Student C reported that no other examples were given by Ms. Zehren. Student C also stated that Ms. Zehren told students to pick students that have a similar background to you, but, if you didn't, it would still work, but it would be better if it were the same.

Student D was interviewed on April 5, 2019 by ■. Student D remembered Ms. Zehren telling the class that it would be easier if those in groups were closer to the same culture or race, but it was not required. While Student D could not remember the exact words that Ms. Zehren used, Student D remembered a comment about slavery being brought up in front of the class. Student D was left wondering how the ■ students were feeling about the project after the example Ms. Zehren gave, and how Student D, personally, would have felt disrespected. Student D wasn't sure as to why the topic of slavery was brought up.

Student E was interviewed on April 5, 2019 by [REDACTED]. Student E recalled that Ms. Zehren told the class that students should pick their group based on their cultural background. Your cultural background was to be based on the interview that students did with their grandparents/parents prior to the spring break. Student E then remembered that Ms. Zehren gave an example to the class and said "a group did a dance that slaves did or a game when they were enslaved."

Student F was interviewed on April 5, 2019 by [REDACTED]. Student F reported that students did not have to change clothes and that students were provided with computers and an explanation about cultural games they would play. Student F remembered being told that students were to pick a game from a different culture or background. Students could work by themselves or with two to three other people. The game did not have to be age appropriate.

Student G was interviewed on April 5, 2019 by [REDACTED]. Student G reported that they were told to work on an assignment where they were to find a game or a dance based on their culture. Students had to have their game/dance approved by Ms. Zehren. Student F did remember that Ms. Zehren said something about "slave games" but couldn't remember additional details.

Student K was interviewed on April 8, 2019 by [REDACTED]. Student K reported that there were no warm-ups for the class. Student K listened to Ms. Zehren about the information sheet she gave students to fill-out prior to break. Ms. Zehren told the students that they could use a computer to research their game and were told to break into groups. Student K remembered Ms. Zehren telling the class "some person in another class chose a game that African American kids used to play when they were enslaved." Student K did not recall other cultural examples being provided by Ms. Zehren.

Student L was interviewed on April 8, 2019 by [REDACTED]. Student L recalled that students began working on the new unit on April 1, 2019. Before break they were asked to speak to their parents about their culture or race. Ms. Zehren told them about picking a dance or game from their cultural background from places such as Africa or Latin America. Students were given a packet and told to look at books and online for information. You could work by yourself or with others. Student L stated that the purpose of the unit was to learn about different cultural backgrounds and the games and dances associated with the culture.

Student M was interviewed on April 8, 2019 by [REDACTED]. Student M remembered going over the information sheet they were given prior to spring break. On April 1, 2019, they were told to get into a group and pick a game. Ms. Zehren told them to pick a group, which they could choose, and to look at a game the members of the group would have in

common. Student M recalled Ms. Zehren telling the class that they could not pick an American game, but Ms. Zehren then went on to give an example of a game played by African-Americans. Student M could not remember the game that was mentioned but was confused by what Ms. Zehren had just said. Student M was sitting next to another student, and they looked at each other because of the reference to "no" American games but "yes" to African-American games.

Student N was interviewed on April 8, 2019 by [REDACTED]. Student N talked about the information sheet that Ms. Zehren had given out prior to spring break. During the class, Ms. Zehren talked about how to form groups. She also told the students that they could work by themselves. There was a packet to fill-out and each group got a computer to look up games. The student also mentioned Ms. Zehren saying that students could not pick an American game but could pick a game from another country. Ms. Zehren then told the class "a student in a past class picked a game that people in slavery would play to pass time."

Summary of the Interviews Conducted with
[REDACTED] Students in the [REDACTED] PE class

Student H was interviewed on April 5, 2019 by [REDACTED]. Student H reported that Ms. Zehren approached [REDACTED] group and told them that they should do an African-American game and stated "why don't you look up games that African-Americans played when they were enslaved?" She then told the group to search "games that enslaved children played."

Student H, on April 1, 2019, then proceeded to use the search terms "african american games," "african american games history," "black people games," and "games people in africa." Student H then went on to use the search terms "african american games played by enslaved children." Student H viewed two pages on the Ten Toys and Games website.

During the interview, Student H described the first game on the Ten Toys and Games website as "Hide the Switch."

Student H and Student I, who was also in the group, went to Ms. Zehren and told her that they didn't know if they should do this game or not? According to Student H, Ms. Zehren told them "I would be okay with it, but there is nowhere to hide it in the gym." Student H then reported that Ms. Zehren told them to click, again, on the Ten Toys and Games website. Student H recalled Ms. Zehren remembering a game she thought was named "no bogeyman" and encouraged them to look into it. When Student H visited the Ten Toys and Games website a second time, and went to a second page on the website, both Student H and Student I found the game "No Bogeyman Tonight."

The investigator went to the "Ten Toys and Games" website and found the following description of the "No Bogeyman Tonight" game:

While playing this game, the young enslaved Africans would designate one child as the Bogeyman." In their book, *History of Early Childhood Education*, V. Celia Lascares and Blythe F Hinitz explain that during the game "one child pretended to be an evil spirit and attempted to catch the others." They explain that the fear of evil spirits was common among Black children.

On April 2, 2019, Student I, during [REDACTED] PE class, used the following search terms: "no bogeyman tonight game," "no boogeyman tonight game," and "games that enslaved children played." Then Student I clicked on a website with the title "Ten Games and Toys that Black slave children used when growing up." The article was published by an organization referred to as "The Black Velvet Lounge." The article contained the same information as found on the Ten Toys and Games website.

Student H and Student I thought the No Bogeyman Tonight game was similar to "tag." At some point, Student H recalled asking Ms. Zehren "do you think this [game] has to do with the slave masters touching the children?" Ms. Zehren replied, "No, it's what the kids did to pass the time." Student N recalled Ms. Zehren telling [REDACTED] class that another group in a different class were playing a game that people in slavery would play to pass the time."

Student H's group proceeded to present the game to the class and drew a diagram of the game on a board. During the presentation, Student H told other students that they were not making fun of slavery by playing the game. Student H also remembered writing this on the back of the packet for the unit. The students then played the game for the rest of the class period. Student H recalled that Ms. Zehren recorded the presentation they did in front of the class. Ms. Zehren stated that the presentation "was the top 3 that she had seen" and "I like how you added that part in the end about not making fun about it."

Student H was interviewed, again, on April 8, 2019, with the student's parents present, by [REDACTED]. Student H recalled that Ms. Zehren had told students to find someone who was similar with regard to ethnicity. Student H recalled being asked by Ms. Zehren "what are you mixed with?" because Student H was struggling with finding a group. When Student H replied that [REDACTED] Ms. Zehren recommended that she work with other students who were white. Student H mentioned that Ms. Zehren did not state examples in front of the class, but she did tell Student H's group to search "African-American games that were played by enslaved children." Student H remembered Ms. Zehren recommending the Ten Toys and Games website.

The [REDACTED] of Student H was visibly upset during the interview on April 8, 2019 because [REDACTED] went in front of the class and described a game that was played during times of slavery. [REDACTED] could not understand why such a decision would have been allowed by the teacher. [REDACTED] went

on to say that it was irresponsible to have students researching and playing such games without providing them with a context as to why such games were played during slavery by the instructor.

Student I was interviewed on April 5, 2019 by [REDACTED]. The student recalled looking up games from Africa but asked for assistance from Ms. Zehren. Ms. Zehren recommended a couple of games from the "Ten Toys and Games" website. One of the games [REDACTED] remembered being mentioned by Ms. Zehren was "No Bogeyman Tonight." Student I recalled that their group volunteered to present the game in front of the class and proceeded to tell everyone in the class the directions for the game. Student H drew a diagram of the game on a board, and they read information about the game from their packet. The game was then played by everyone for the rest of the class period. Student I also recalled Student H telling the class "I'm not doing this to make fun of slavery or anything, it's just a fun game."

Student J was interviewed on April 5, 2019 by [REDACTED]. Student J reported that Student H and Student I drew the "No Bogeyman Tonight" game on the board to create a visual and then went on to explain the game. Student J remembered Student H telling the class "don't think you are a slave or ridicule or make fun of slavery." Student J also recalled Student H and Student I telling the class "the game we picked was Bogeyman; it's a game that African slaves played."

Additional Information about Student Web Searches for the Dance/Games Unit

Two other students, Student O and Student P, who were in [REDACTED] PE class, and one student, Student Q, who was in the [REDACTED] PE class, also accessed the Ten Toys and Games website. On April 1, 2019, there is no evidence that any of the three students actively searched for games that were played by children during slavery.

On April 2, 2019, prior to accessing the Ten Toys and Games website, Student O spent time conducting searches using the terms "african american games and dances," "black people games and dances," "black people games," "black people school games," and "african american jump rope songs." At 9:21 am, Student O then searched "slavery games kids played." Student O then viewed the Ten Toys and Games website.

Student P started searching the terms "african american games," "african american cultural games," "boogeyman game," "african american games history," "no boogeyman tonight," "african american dances in Milwaukee," and "african american dances." On April 2, at 9:19 am, Student P viewed the Ten Toys and Games website. In fact, Student P viewed four pages on the website. After viewing the four pages, Student P went back and resumed the search using "african american athletes" and "african american outside games." Student P went back to the Ten Toys and Games website at 9:30 am.

Student Q, who was in the [REDACTED], and prior to accessing the Ten Toys and Games website, used the following search terms "the boogie men," "the boogiemane game," "the boogie man game," "the boogie man game played by slaves," and "traditional african american games." At 9:59 am, Student Q accessed the Ten Toys and Games website and viewed two pages.

Summary of the Interview Conducted
with Jan Zehren, PE Teacher

Ms. Zehren was interviewed on April 8, 2019. Those in attendance included: Dr. Bryan Davis, Superintendent, Dr. Anderson, Chrissy Hamiel, Counsel for the District, Iris Bohan, Executive Assistant for Pupil Services and Curriculum and Instruction, Amy Miller, President of the Shorewood Education Association, and Steve Cupery, Union Representative, Southeast United Public Education Region 7, Wisconsin Education Association Council. At the beginning of the meeting, Dr. Anderson described his role in the process as the discrimination officer for the District. Dr. Anderson then reviewed the substance of the complaint as set forth in the information provided by the parent. This information is described above. Ms. Zehren had requested the name of the complainant, but, on advice from counsel, and given that an ongoing investigation was occurring, the name was withheld.

Dr. Anderson then asked Ms. Zehren to describe the events that are in question in the complaint that was filed by the parent. According to Ms. Zehren, teachers were directed by administration, at both the District and school level, to make connections with African-American students. At some point during the interview, Ms. Zehren stated that the RaceWork professional development encouraged teachers to be prepared to take risks and to be uncomfortable, at times, and that, unfortunately, there was no handbook on what this looks like for teachers.

At the SIS Open House, which occurred early in the 2018-19 school year, Ms. Zehren talked to parents about the World Games/Dance Unit she was introducing in her PE classes. During the interview, she mentioned that Dr. Davis had sent her a thank you note for her new initiative. To begin the preparation for this new unit, Ms. Zehren went on to say that she took a group of 32 student council members, of diverse ethnic backgrounds, to a holiday folk fair in November of 2018. Students were asked to interview people at the fair.

Prior to spring break, students were asked to have a conversation with their parents or other relatives regarding games or dances associated with their cultural background(s). The educational objectives of the unit were to learn about different cultures and to have all students feel included. At this point, Dr. Anderson asked Ms. Zehren if she felt that some of her students did not feel included in her PE classes. Ms. Zehren responded by saying that the process that was used to create the unit represented what good teaching was supposed to be. The students

had the option of working in a group or individually. They were also given the option to choose any culture they wanted to. Students were expected to present their game or dance to the class.

According to Ms. Zehren, she and [REDACTED] created a family interview sheet for students to take home. Ms. Zehren stated that she had Mike Joynt, Principal at SIS, look at the sheet. Mr. Joynt then recommended that both teachers talk with [REDACTED]

[REDACTED] The meeting with [REDACTED] took place, and a few changes to the sheet were made.

Ms. Zehren and [REDACTED] then created a packet that students would use and fill-out for the unit. According to Ms. Zehren, they wanted the unit to be inclusive of all cultures. Students were to be given three days to conduct research on cultural games or dances. For resources, there were multicultural books and computers available to the students. Students were allowed to work with anyone, but they had to agree on which culture they were going to choose. Each group had to do their own separate game/dance. Students had the option to work in a group or individually. Their choice of game/dance had to be approved by Ms. Zehren. The group/individual was expected to do a diagram or video of the game/activity they chose.

Some students were having a difficult time picking a game. She suggested that they look up traditional Irish or Polish games. For students interested in exploring African culture, she recommended searching "traditional African-American children games."

The investigator used these search terms and the outcome includes the Ten Toys and Games website as the second listing.

Dr. Davis asked Ms. Zehren if she recommended the Atlanta Black Star website, which published the Ten Toys and Games article, to students? Ms. Zehren said she did recommend the website because the mission of the Atlanta Black Star was to publish empowering narratives for all people of African descent.

Dr. Davis said that the first game that was listed on the Ten Toys and Games website was called "Hide the Switch." Ms. Zehren went on to say that, during the week of April 1, 2019, she had a double ear infection and a sinus infection and was also on medication for bronchitis. She wanted to stay home, but did not want to do so because the students were starting a brand new unit and she didn't believe that a sub should introduce the unit because of its importance.

According to Ms. Zehren, an African-American student approached her and asked if they could play the "Hide the Switch" game that they had found on the Ten Toys and Games website? She said "absolutely no" to this request. She described the student as being jovial when talking to

her. When Ms. Zehren was asked if she had looked at the Top Toys and Games website prior to the students accessing it, Ms. Zehren reported that she had not.

Later investigation showed that Ms. Zehren did view the Ten Toys and Games website several times prior to the [REDACTED] PE classes on April 1, 2019. Prior to accessing the website, Ms. Zehren used the following search terms on April 1, 2019: "traditional african american children's games" (at 9:28 am), "african american children's games" (at 9:29 am), and "games of enslaved children" (at 9:29 am). The Ten Toys and Games website was accessed at 9:29 am. Ms. Zehren viewed the website, and five different pages on the website, at 9:31 am, 9:32 am, 9:33 am, 9:33 am, and 9:34 am. Each page that was accessed had two games or toys on it. At 10:00 am, on April 2, 2019, Ms. Zehren again used the search terms "traditional african american children games" and then viewed two different pages on the Ten Toys and Games website (10am and 10:01 am)

The family that Ms. Zehren believed brought the current discrimination complaint filled out the information sheet that was sent home prior to spring break. As a result of the answers provided, Ms. Zehren said she recommended that Student 1 and Student A work on the "2 step" as an example of a dance from their culture.

Dr. Davis asked Ms. Zehren if she ever instructed students to research games played by children during slavery. Ms. Zehren denied saying this. The Investigator found, as described above, that Student H did use the following search terms: "african american games played by enslaved children."

Dr. Anderson then asked Ms. Zehren whether she had a discussion with students about a game called "No Bogeyman Tonight." Ms. Zehren reported that she had. She stated that she did not think about the game in terms of it having been played by enslaved children. Rather, she looked at it as a game that was similar to "tag." She did report some hesitation about allowing the game to be chosen because she knew the game had been played by enslaved children. She mentioned doing research on the term "bogeyman," but did not find anything that would disparage enslaved children. She consulted with her co-worker, [REDACTED], about using the game. Ms. Zehren went on to say that she was concerned about saying "no" to the students who wanted to do the game, especially if it was safe, because the game could be seen as representative of the culture and history for some students. So, she felt that saying "no" could be seen as discriminatory, and she wanted to give students a voice in what they did for the unit and to be respectful of their choice. After their discussion, Ms. Zehren reported that she and [REDACTED] thought it was okay for students to play the game.

Dr. Anderson told Ms. Zehren that the games children in slavery played were intended to help them deal with trauma. He went on to ask whether she had ever considered this point? Ms.

Zehren indicated that she did not consider this. In her opinion, she never intended the game to be disparaging. Her intent was to be positive and hopeful. She felt that if an African-American student asked her to play a safe game, she had to say yes. Otherwise, she could be perceived as prejudicial if she did not let them choose a game from their past or culture. She wanted to give them a voice. In defense of the "No Bogeyman Tonight" game, Ms. Zehren mentioned that jump rope was listed on the website and played during slavery but it was considered an acceptable game today. She went on to ask whether jump rope would have been an acceptable choice for a game if it was played by children during the Holocaust?

Dr. Anderson reiterated that all of the games on the website described above were descriptive of games played during slavery and, why would she choose such a game to honor a student's heritage or culture. Ms. Zehren replied that she did not intend to disparage anyone.

Dr. Davis asked Ms. Zehren if several classes had used the Atlanta Black Star website described above as a reference? Ms. Zehren stated that she did not address the entire class, but did speak to several students who were struggling to find a game or dance. She sat down with them and, according to her, had them search "traditional African American children games" to find resources.

Dr. Davis then stated that the first game that came up on the Ten Toys and Games website was the "Hide the Switch" game. Dr. Davis then asked Ms. Zehren if she had given students the go ahead to play the game? Ms. Zehren stated "absolutely not." Ms. Zehren reported that she knew what a switch was and wouldn't recommend its use for students. When questioned by Dr. Davis, she also denied telling students that it would be okay to play the game but there was no place to hide the switch. She went on to say that she also denied the game "Hide and Seek" because there was not a good place to hide in the gym.

Dr. Davis mentioned that there was consistency from several students about Ms. Zehren's role or involvement with researching games played during slavery and that he was concerned that she had directed students to the Ten Toys and Games website. Ms. Hamiel asked Ms. Zehren if she ever directed students to a different website other than the one described above? Ms. Zehren responded, "yes" to this question and said this resulted in the students using the "2 step" dance. In response to a question from Dr. Anderson, Ms. Zehren was unaware that Student A had to leave class early because of being upset after seeing the description of the "Hide the Switch" game. Ms. Zehren also denied ever telling students to search "slave games." Ms. Hamiel wanted to know if Ms. Zehren was concerned about the possibility of students coming up with games from the days of slavery or from the Holocaust? Ms. Zehren responded that she had not and then said the students were excited about the unit.

Ms. Zehren acknowledged that there was concern regarding a question on the informational sheet that was sent home to parents prior to spring break. She stated that she and ██████ went to Mr. Joynt for guidance. Ms. Zehren said she has been teaching for 37 years and puts a lot of thought and effort into her lessons.

Dr. Davis stated that he had concern because multiple students had reported that Ms. Zehren told them they could look up games played during slavery. Ms. Zehren reiterated that she steered the students away from "Hide the Switch" game and, instead, recommended the "2 step" dance or the "No Bogeyman Tonight" game. She also reported working with the student whose mother she thought had brought the complaint and helped her and the other student in the group with their presentation.

Summary of the Interview Conducted with ██████
Teacher, at SIS

██████ was interviewed on April 8, 2019 by Dr. Anderson and ██████. Around the end of the first quarter, both Ms. Zehren and ██████ met with her to review the information sheet that they wanted to give to parents as part of the World Games/Dance Unit. ██████ reported that both Ms. Zehren and ██████ talked about what they had in mind and they then talked about the issue of children who were adopted and the difference between race and culture. ██████ did not recall any discussion about African-American or other students researching games played by enslaved children. After their discussion, two to three words were changed on the information sheet.

Summary of the Interview Conducted
with ██████ Teacher, at SIS

██████ was interviewed on April 8, 2019 by Dr. Anderson and ██████. ██████ stated that the idea for the World Games/Dance Unit actually started toward the end of the 2017-18 school year. Both ██████ and Ms. Zehren worked on the questions for the information sheet that was to be given to parents. ██████ did report reviewing the questions with Mr. Joynt and ██████ and that ██████ had recommended changing a few words. Both Mr. Joynt and ██████ emphasized that they didn't want any student to be treated differently and that Mr. Joynt had raised concerns about children who were adopted. ██████ also reported that it was okay if students didn't know their cultural background and that teachers would assist them with this. A packet was given to students to fill-in after they had completed their research. ██████ said that Ms. Zehren was more inclined to group students by countries; ██████ allowed students to choose their own group. ██████ reported there was no mention of skin color as a way to group students. ██████ also stated that no discussion had occurred between ██████ and Ms. Zehren about problems that could occur as a result of the unit. ██████ did say that Ms. Zehren did talk to ██████ about the "No

Bogeyman Tonight" game, but she emphasized that the game was similar to tag and, as a result, [REDACTED] didn't see a problem with using the game.

Summary of the Interview Conducted
with Mike Joynt, Principal, at SIS

Mr. Joynt was interviewed on April 10, 2019 by Dr. Anderson. He reported that Ms. Zehren had approached him earlier in the year about the World Games/Dance Unit. Ms. Zehren described it as being similar to the World Cultures Project done in the 7th grade World Geography class where students selected a region/country and researched its culture. He also remembers giving Ms. Zehren approval to go with students to the Holiday Folk Fair at State Fair Park so they would have a chance to experience other cultures. In January of 2019, Ms. Zehren and [REDACTED] met with Mr. Joynt about the information sheet that they wanted to provide to parents. Mr. Joynt recalled talking to them about the concern of asking African-American students about their backgrounds given uncertainty as to countries where their ancestors might have originated from. He also told them not to make the form a requirement for the unit because not every student could provide background information. They asked Mr. Joynt about the wording of a question of the form, and he referred them to [REDACTED] for advice with this.

Summary of the Interview Conducted
with the Parent of a SIS Student

Dr. Anderson conducted an interview with the parent of a SIS student who wished to remain anonymous on April 11, 2019. According to the parent, [REDACTED] raised concern about the information sheet upon receiving it in February as part of the preparation for the unit for 8th grade students. According to the parent, [REDACTED] raised concerns with both Ms. Zehren and [REDACTED] about the fact that, for most African-Americans, ancestry is not easy to understand. In an email that was written to both teachers, the parent pointed out the following:

A conversation about or assignment asking them to explore their ancestors largely or entirely means they must imagine their descent from slavery. It evokes images of kidnap, torture, terror, rape and murder. If you are the descendant of slaves, there is no way for you to know the regions or countries you came from and certainly not any of the cultures games or dances. Roots have been forever destroyed. And, keep in mind that Africa is a huge and diverse continent and those who hail from there cannot be lumped together, just as one would not assume all Europeans or Asians are the same. To ask a child of color, especially in a predominantly white school district, to provide an example of what their African and then slave ancestors may have enjoyed recreationally is problematic. I hope you can understand.

The parent went on to explain that [REDACTED] had a phone conversation with both Ms. Zehren and [REDACTED] about [REDACTED] concerns in February. Ms. Zehren explained to the parent that the district wanted teachers to be more culturally responsive. The parent went on to explain why [REDACTED] found the assignment problematic. During the conversation, Ms. Zehren stated that the assignment had already gone out to parents of 8th grade students and, as a result, she didn't think anything could be done to address the concerns of the parent or change the assignment. At the end of the conversation, the parent reported feeling disheartened because Ms. Zehren stated to [REDACTED] that simply having [REDACTED] child come home and talk to [REDACTED] as requested on the information sheet, should be viewed as a success. The parent responded to Ms. Zehren that such a conversation could be seen as traumatic as well. Ms. Zehren did report that she had gotten input about the information sheet from the teacher who was involved with the [REDACTED]. This staff member was [REDACTED]. The parent thought this was not a helpful comment by Ms. Zehren because, in [REDACTED] opinion, simply relying on the judgment of white people for such matters didn't take into consideration the perspectives of others who have more experience with or understanding of these matters. The parent concluded the interview by expressing disbelief that more thought had not gone into the unit when presented to [REDACTED] students and parents.

According to Ms. Zehren, the parent had a problem with the use of the word "ancestor," a word that was added after she and [REDACTED] spoke with [REDACTED]

Summary of the Interview Conducted with [REDACTED], Paraprofessional at SIS

Dr. Anderson and [REDACTED] interviewed [REDACTED] on April 15, 2019. [REDACTED] stated that [REDACTED] was assigned to work with a student during the [REDACTED] hour PE class. [REDACTED] was present in this class during the week of April 1. [REDACTED] reported the students were working on the World Games/Dance Unit the entire week and were very engaged. [REDACTED] explained that the students had taken an information sheet home prior to break so they could ask their parents or other relatives questions about their cultural background and relevant games or dances. [REDACTED] stated that the students were grouped based on similar backgrounds, although [REDACTED] reported that Ms. Zehren was somewhat flexible as to the group that students ended up in. Most of the students did their research on the computer that was provided to them. While doing research, students would check-in with Ms. Zehren. Ms. Zehren would also walk around the room to see how the students were doing. When asked by Dr. Anderson whether Ms. Zehren had presented any examples of cultures that students could research for the unit, in front of the class, [REDACTED] stated that [REDACTED] did not. [REDACTED] stated that Student H and Student I were well prepared for their presentation. Student H did most of the talking. At one point, [REDACTED] did remember the students using the word enslaved and also spoke about the need to be respectful of the game. [REDACTED] was not sure which country the game originated from. [REDACTED] described the game as being

similar to tag. When asked by Dr. Anderson whether Ms. Zehren had spoken to the class about the game prior to Student H and Student I presenting it, [REDACTED] stated that [REDACTED] had not.

Summary and Recommendations

An investigation was conducted upon submission of a discrimination complaint by the parent of a [REDACTED] grade student at SIS, Student I. The details of the complaint are described above. To investigate the complaint, interviews were conducted with students in Ms. Zehren's [REDACTED] and [REDACTED] hour PE classes, Ms. Zehren, [REDACTED], Mr. Joynt, [REDACTED], and the parents of two students at SIS, Student I and Student H, who participated in the unit. The substance of the information provided in these interviews is also described above.

Prior to reaching any final conclusions on this matter, the Investigator learned Ms. Zehren would not be returning for the 2019-2020 school year. This information makes any recommendations concerning her role in this matter for the future moot.

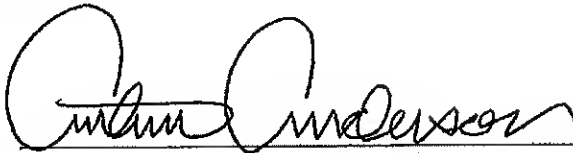
Nevertheless, the perceptions described by the students, parents, and staff during this investigation suggest the District should modify its approach to these issues to help avoid a similar situation in the future. As a result, the following recommendations are offered:

1. Suspend the use of the World Games/Dances Unit in the PE curriculum at SIS for the 2019-2020 school year.
2. Involve the Director of Equity in making future decisions about this course, and other courses designed to explore cultural issues to help avoid unintended conflicts.
3. Offer to have the Superintendent meet with the parents or students involved in this case to gather any final comments or suggestions they may have to assist the District in moving forward.

Conclusion

Based on the above, this Investigation is now closed.

August 1, 2019
Date


District Discrimination Officer, Arthur Anderson